

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

STACY McKINLEY)
v.) No. 3-13-0883
BANK OF AMERICA; RECONTRUST)
COMPANY; and GREEN TREE)
SERVICING, LLC)

CASE MANAGEMENT ORDER # 2

By contemporaneously entered order, the Court has approved and entered the parties' initial case management order, with modifications addressed during the telephone conference call held on August 29, 2014. Those modifications and other matters addressed on August 29, 2014, are as follows:¹

1. All written discovery shall be propounded no later than December 22, 2014.
2. The plaintiff shall have until March 23, 2015, to serve rebuttal expert disclosures.
3. All expert discovery shall be completed by April 10, 2015.
4. Any discovery motion related to expert discovery shall be filed by April 16, 2015.
5. Any motion to amend the pleadings shall be filed by November 3, 2014.
6. Counsel for the parties shall convene a telephone conference call with the Court on

Thursday, October 30, 2014, at 11:00 a.m., to be initiated by plaintiff's counsel, to address whether the plaintiff has sold the house, the formal pay-out amount, the status of the parties' settlement discussions, and any other appropriate matters.

¹ When counsel first appeared for the initial case management conference on January 8, 2014, it appeared to the Court and the parties that there was a significant likelihood that the parties could reach a settlement in the near future. Despite numerous telephone conference calls with counsel for the parties and the Court, see orders entered February 20, 2014, March 21, 2014, March 27, 2014, June 4, 2014, and July 15, 2014 (Docket Entry Nos. 24-27, and 29), it appeared during the conference call held on August 13, 2014, that settlement would not be possible under the conditions originally contemplated. Although the parties still hope that a settlement can be reached, both the Court and the parties agreed that it was time to enter into a case management order and schedule a trial in the event a settlement cannot be reached.

As provided in the contemporaneously entered order, any dispositive motion shall be filed by May 1, 2015. Any response shall be filed within 21 days of the filing of the motion or by May 22, 2015, if the motion is filed on May 1, 2015. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by June 5, 2015, if the response is filed on May 22, 2015.

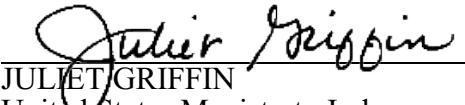
No other filings in support of or in opposition to and dispositive motion shall be made after June 5, 2015, except with the express permission of the Honorable Todd J. Campbell.

No party shall file more than one Rule 12 motion to dismiss or more than one Rule 56 motion for summary judgment.²

There shall be no stay of discovery before the February 2, 2015, deadline for completion of fact discovery or the April 10, 2015, deadline for completion of expert discovery even if a dispositive motion is filed prior thereto.

Taking into account the above scheduling for the progression of the case, it is recommended that a bench trial³ be scheduled no earlier than September 15, 2015. The parties have scheduling conflicts the weeks of October 6, 2015, and October 13, 2015, but are otherwise available from September 15, 2015, forward. The parties anticipate that the trial would take two (2) days.

It is so ORDERED.



JULIET GRIFFIN
United States Magistrate Judge

² The Court neglected to advise the parties that Judge Campbell's policy is to preclude more than one motion to dismiss or more than one motion for summary judgment.

³ No party has demanded a jury.